

## Introduction

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Places with identified cultural heritage significance within the Shire of Capel are listed on the Local Government Heritage Survey, Heritage List and/or State Register of Heritage Places.

The purpose and intent of this Local Planning Policy is to provide guidance on development assessment processes for these places of cultural heritage significance.

This Local Planning Policy has been adopted by the Shire of Capel in accordance with the provisions of Schedule 2, Part 2, Div. 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

## Purpose

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The objectives of this Policy are to:

1. Appropriately conserve and protect places of cultural heritage significance within the Shire of Capel.
2. Ensure that all works, including conservation, alterations, additions and new development, respect the cultural heritage significance of Heritage Protected Places.
3. Provide clarity in the process of assessing development applications of places with cultural heritage significance.

## Application

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This Local Planning Policy applies to any place included on the:

- a) Shire of Capel Heritage List established under Clause 8 of the Deemed Provisions for local planning schemes in Schedule 2 Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- b) any place listed on the State Register of Heritage Places;
- c) Any heritage protected place; and
- d) Any designated Heritage Area

## Definitions

The following definitions apply for the purposes of this policy:

**Burra Charter** means a charter adopted by Australia in 1979 (and since revised), which defines heritage terms and establishes the nationally accepted standard for the conservation of built places of cultural significance.

**Cultural Heritage** means evidence of the past - places, buildings, structures and sites. It can also refer to objects and artefacts, documentary records, works of art, and furniture.

**Cultural Heritage Significance** as defined in Section 5 of the Heritage Act 2018 means aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia.

**Fabric** means all the physical material of a place.

**Heritage List** means a heritage list established under Schedule 2 Part 3 Clause 8(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.

**Level of Significance** means how important a place is to the heritage of the Shire of Capel. For the purpose of the Heritage Survey, each place will be graded as being exceptional, considerable, moderate or little significance with reference to its rarity, representativeness, integrity and authenticity.

**Local Heritage Survey** means the list of heritage places and structures prepared in accordance with Part 8 of the Heritage Act 2018 which, in the opinion of the local government, are, or may become, of cultural heritage significance.

**Place** has the meaning given in Section 7 of the Heritage Act 2018, namely it is a defined or readily identifiable area of land and may include any of the following things that are in, on or over the land –

- a) archaeological remains;
- b) buildings, structures, other built forms, and their surrounds;
- c) equipment, furniture, fittings and other objects (whether fixed or not) that are historically or physically associated or connected with the land;
- d) gardens and man-made parks or sites;
- e) a tree or group of trees (whether planted or naturally occurring) in, or adjacent to, a man-made setting.

**Register** means the State Register of Heritage Places which is a comprehensive register of places of cultural heritage significance that make an important contribution to understanding the heritage of Western Australia established under Section 35 of the Heritage Act 2018.

## Policy Statement

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1. Table 1 below guides development in relation to Heritage Protected Places contained in the Shire’s Heritage List.
2. An archival record may be required as a condition of approval when the development proposes significant redevelopment, or demolition, of all or part of a heritage place. The archival record shall be prepared in accordance with the relevant guidance from the Heritage Council WA.

**Table 1 - Requirements for Development in Heritage Protected Places**

Management Category	Proposed Development	Requirements
Category A - Exceptional Significance	New Development and/or Replacement Buildings	<ol style="list-style-type: none"> <li>1) New buildings including garages, sheds and outbuildings on land that contains a building or place on the Heritage List must be designed to not detract from the listed building(s) on the site.</li> <li>2) The listed building(s) must remain the dominate building(s) on the site.</li> <li>3) New buildings should respect the scale, form and proportions of the listed building(s).</li> <li>4) New buildings are to complement the materials and colours of the listed building(s).</li> </ol>

	Conservation and Restoration Works	<p>5) Conservation and/or restoration is to comply with any Heritage Agreement or policy prepared for the place.</p> <p>6) Where there is no conservation plan, work should be guided by the principles of the Burra Charter. Generally, this means:</p> <ol style="list-style-type: none"> <li>a) Replace deteriorated fabric or elements with new fabric or elements to match the original;</li> <li>b) Where restoration is being carried out, works should be based on historic photographs, plans or other material that shows the former state of the building or place. Restoration should not be based on conjecture; and</li> <li>c) Where existing fabric contains asbestos products, replacement should be based on materials that give a similar appearance to the original.</li> </ol> <p>7) Alterations and additions are to comply with a conservation plan for the listed building(s) or place.</p> <p>8) Where there is no conservation plan, a Heritage Impact Statement may be required.</p>
	Alterations and Additions	<p>9) Alterations and additions should be limited to areas of the building(s) or place assessed to be of lower significant.</p> <p>10) Alterations and additions should:</p> <ol style="list-style-type: none"> <li>a) Be in keeping with the bulk and scale of a listed building(s);</li> <li>b) Use material and colours that match the listed building(s), or use materials or colours that do not detract from the listed building(s);</li> <li>c) Ensure that the original building remains clearly evident (ie: not overwhelmed by the new addition or altered beyond recognition</li> <li>d) Be clearly evident as new in comparison with the original buildings. Differences may be subtle or pronounced;</li> <li>e) maintain the roof pitch of the original building;</li> <li>f) reflect the heritage value of existing facade where appropriate;</li> <li>g) The original building should remain the dominant structure when viewed from the primary street and form side streets in the case of a corner site; and</li> <li>h) Upper floors should not be constructed over significant areas of a building. Upper floors may be constructed to the rear of a significant building provided they do not impact on the significant fabric or elements of the building.</li> </ol>
	Change of Use	<p>11) New uses will be assessed on the basis of the recommendations of the conservation plan.</p> <p>12) Where no conservation plan exists, a Heritage Impact Report may be required.</p> <p>13) New uses will be assessed against their impact on the cultural heritage significant of the place. Uses that do not alter the significant of the place and do not require extensive alterations that may alter the significance of the place are preferred.</p>
Category B – Considerable Significance	New Development and/or Replacement Buildings	<p>1) New buildings including garages, sheds and outbuildings on land that contains a building or place on the Heritage List should be designed to not detract from the listed building(s) on the site.</p> <p>2) The listed building(s) should remain the dominate building(s) on the site.</p> <p>3) New buildings should respect the scale, form and proportions of the listed building(s).</p> <p>4) New buildings are to complement the materials and colours of the listed building(s)</p>

	Conservation and Restoration Works	<p>5) Conservation and restoration works is encouraged and works should be guided by the principles of the Burra Charter. Generally, this means:</p> <ul style="list-style-type: none"> <li>a) Replace deteriorated fabric or elements with new fabric or elements to match the original.</li> <li>b) Where restoration is being carried out, works should be based on historic photographs, plans or other material that shows the former state of the building or place. Restoration should not be based on conjecture.</li> <li>c) Where existing fabric contains asbestos products, replacement should be based on materials that give a similar appearance to the original.</li> </ul>
	Alterations and additions	<p>6) Alterations and additions should not obscure or alter areas or elements that contribute to the cultural heritage significance of the building(s) or place.</p> <p>7) Alterations or additions should:</p> <ul style="list-style-type: none"> <li>a) Be in keeping with the bulk and scale of a significant building;</li> <li>b) Use materials and colours that match the significant building, or use materials and colours that do not detract from the significant building;</li> <li>c) Ensure that the original building remains clearly evident, (ie: not overwhelmed by the new addition or altered beyond recognition)</li> <li>d) Be clearly evident as new in comparison with the original building. Differences may be subtle or pronounced.</li> </ul>
	Change of Use	<p>8) New uses will be assessed against their impact on the cultural heritage significant of the building/place.</p> <p>9) Uses that do not alter the significant of the place and do not require extensive alterations that may alter the significant of the place are preferred.</p>

## Procedure

Prior to the commencement of development works, land owners and applicants are encouraged to discuss all development proposals with Shire officers to determine whether the terms and requirements of this policy apply.

Before carrying out any development, any other licences, permits or approvals required must be obtained in accordance with any other law.

Applications shall be prepared and supported by documents as stipulated in Regulations 11 (if necessary) and 63(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Submitted applications for development approval may be forwarded to a Heritage Advisor or suitably qualified and experienced heritage professional for assessment, having due regard to the principles of the Burra Charter, current best practice, the assigned level of significance as detailed in the Shire of Capel Heritage Survey and any relevant design guidelines.

Building permits and demolition approvals for places on the Heritage List cannot be issued until development approval has been obtained and any relevant conditions of the planning approval have been complied with.

Department:	Development Services	Next	April 2025
		review:	

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Reviewer:		Legislation:	Local Government Act 1995 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
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